

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>CASE NO.:</b> 23-03212		<b>CASE:</b> Andreina Gamez Rodriguez v. Fuentes, et al.
<b>WITNESSES:</b>		<b>JUDGE:</b> The Honorable Marvin Isgur
1. Lauren N. Herrera 2. David N. Calvillo 3. Any witness called or listed by any other party; and 4. Any rebuttal and/or impeachment witnesses		<b>DATE:</b> January 24, 2024 at 4:00 p.m.
		<b>ATTORNEY'S PHONE NO:</b> 713.658.1818

**NATURE OF PROCEEDINGS**

<b>PLEADING</b>		<b>DOCKET NUMBER</b>
<b>I.</b>	<b>Plaintiff's Second Amended Motion for Default Judgment as to Cogent Energy Services, LLC and Cogent Energy Holdings, LLC</b>	ECF No. 44-1
<b>II.</b>	<b>Plaintiff's Partial Motion for Summary Judgment that Hector Fuentes is a Control Person under the Texas Securities Act</b>	ECF No. 44-2
i.	<i>Response of Fuentes and Chrisman to Plaintiff's Partial Motion for Summary Judgment</i>	ECF No. 44-3
ii.	<i>Plaintiff's Reply to Defendants' Response to Motions for Partial Summary Judgment</i>	ECF No. 44-4
<b>III</b>	<b>Plaintiff's Partial Motion for Summary Judgment that Chrisman is a Control Person under the Texas Securities Act</b>	ECF No. 45-1
i.	<i>Response of Fuentes and Chrisman to Plaintiff's Partial Motion for Summary Judgment</i>	ECF No. 45-2
ii.	<i>Plaintiff's Reply to Defendants' Response to Motions for Partial Summary Judgment</i>	ECF No. 45-3
<b>IV</b>	<b>Plaintiff's Partial Motion for Summary Judgment that Chet Erwin is a Control Person under the Texas Securities Act</b>	ECF No. 46-1
i.	<i>Charles Erwin's Response to Plaintiff's Motion for Partial Summary Judgment</i>	ECF No. 46-2
ii.	<i>Plaintiff's Reply to Defendants' Response to Motions for Partial Summary Judgment</i>	ECF No. 46-3

<b>V.</b>	<b>Plaintiff's Partial Motion for Summary Judgment that CE Partnership is a Control Person under the Texas Securities Act</b>	ECF No. 47-1
<b>VI.</b>	<b>Plaintiff's Motion to Quash the Deposition Notice of Fribourg</b>	ECF No. 47-2
i.	<i>Fuentes Defendants' Second Motion to Compel Documents and Motion to Compel Deposition of Fribourg's Corporate Representatives</i>	ECF No. 47-3
ii.	<i>Plaintiff's Objection and Response to Fuentes Defendants' Second Motion to Compel Documents and Motion to Compel Deposition of Fribourg Consultant Corporation</i>	ECF No. 22
<b>VII.</b>	<b>Plaintiff's Motion to Reopen Discovery</b>	ECF No. 37
i.	<i>Opposition Objection to Plaintiff's Motion to Reopen Discovery</i>	ECF No. 42
ii.	<i>Reply to Fuentes Defendants' Response to Plaintiff's Motion to Reopen Discovery</i>	ECF No. 48
iii.	<i>Charles Erwin's Response in Opposition to Plaintiff's Motion to Reopen Discovery</i>	ECF No. 49

#### EXHIBITS

NO	DESCRIPTION	OFFERED	OBJECTION	ADMITTED
1	Declaration of Andreina Gamez Rodriguez in Support of Attorney's Fees			
2	Declaration of David N. Calvillo in Support of Attorney's Fees			
3	Proof of Service on Defendant Cogent Energy Services, LLC			
4	Proof of Service on Defendant Cogent Energy Holdings, LLC			
5	Certificate of Last Known Address of Defendant Cogent Energy Holdings, LLC			
6	Certificate of Last Known Address of Defendant Cogent Energy Services, LLC			
7	Third Amended Company Agreement			
8	2018 Franchise Tax Public Information Report			
9	Cogent Capital Infusions			
10	Emails involving Hector Fuentes regarding investment into Cogent			
11	Affidavit of Andreina Gamez Rodriguez			

12	Emails from Chet Erwin and David Gutierrez to Plaintiff			
13	Cash Receipt signed by Hector Fuentes			
14	Memorandum of Understanding between Cogent and Plaintiff			
15	Email from David Gutierrez to Plaintiff dated May 20, 2019			
16	Minutes of Special Meeting of the Board of Directors on Resolution to Approve New Investment			
17	5/31/19 Wire Transfer			
18	Email from Gutierrez to Plaintiff dated June 12, 2019			
19	2019 K-1s			
20	Email from Tammy Benavidez to Diana Singson dated October 28, 2019			
21	Email from Diana Singson to Cogent Employees dated October 28, 2019			
22	Memo to Chet Erwin & David Gutierrez from Fuentes			
23	2019 Financial Projections			
24	Compromise Settlement and Forbearance Agreement with Ventex			
25	Agreed Final Judgment with Kirby-Smith Machinery, Inc.			
26	Fuentes' Responses to Plaintiff's Interrogatories			
27	Email from Hector Fuentes to Chet Erwin dated August 13, 2019			
28	Defendant (sic) Hector Fuentes and Clarence Nelson Drake's Notice of Oral Deposition of Fribourg Consultant Group			
29	Agreed Scheduling and Docket Control Order			
30	Second Motion to Compel Documents and Motion to Compel Deposition of Fribourg Consultant Corporation, dated September 20, 2023			
31	Hearing Transcript, September 5, 2023			

32	Email Exchange regarding Fuentes Defendants' 1 <sup>st</sup> request for Plaintiff's deposition (7/8/22)			
33	Email Exchange regarding Fuentes Defendants' 1 <sup>st</sup> request for Plaintiff's deposition (7/13/2022); Fuentes Defendants state their clients will be on vacation, no alternative dates provided (7/14/2022); Plaintiff informing Defendants Plaintiff is out of county and stuck in Venezuela for an unknown time (7/14/2022); Plaintiff informing Fuentes Defendants Plaintiff can appear by Zoom (7/26/2022); and Fuentes Defendants asking Plaintiff's deposition be done in person (7/26/2022).			
34	Email Exchange regarding Plaintiff informing Fuentes Defendants Plaintiff still in Venezuela and discussing continuance (7/31/2022); Fuentes Defendants and Defendant Erwin requesting Plaintiff's deposition in person (8/3/2022)			
35	Email Exchange regarding Fuentes Defendants amendable to Plaintiff's husband Luis De Leon's deposition to occur mid-September "assuming we have full responses to our interrogatories sufficiently in advance to allow us to prepare." (8/19/2022)			
36	Transcript of Deposition of Non-Party Diana Singson where all parties agreed to "suspend the deposition of Diana Singson for now."			
37	Email Exchange regarding Fuentes Defendants "confer on mutually agreeable deposition dates to occur after we receive your updated interrogatory responses." (9/2/2022)			
38	Email Exchange regarding Fuentes Defendants complaints regarding interrogatory responses (9/26/2022)			
39	Email Exchange regarding Plaintiff subpoenaed records from Pannell Kerr Forest of Texas to obtain Cogent's financial records. Representative of Pannell Kerr Forest stated she was working on obtaining Erwin's consent (1/23/2023)			

40	Transcript of Hearing on Fuentes Defendants' summary judgment where they admit Plaintiff and her husband's depositions were delayed due to their motions to compel and now could proceed with depositions (3/28/2023)			
41	Email Exchange regarding Steve Gill and SRG Group's counsel requested Plaintiff and Luis de Leon's deposition (5/9/2023); Email Exchange regarding Plaintiff requests dates for Ruben Figuera's deposition and Defendants (5/10/2023)			
42	Email Exchange regarding Defendants' only availability is July 18 or 19 for Plaintiff's deposition Fuentes Defendants agree to "work on dates for Luis and the Defendant witnesses" after scheduling Plaintiff's deposition (5/25/2023); Plaintiff available on requested dates; Plaintiff requests to Conduct David Gutierrez's deposition on July 19 and suggested alternating between Defendants' requested deponents and Plaintiff's requested deponents (6/8/2023)			
43	Email Exchange regarding Plaintiff again requests David Gutierrez's deposition and requests dates for Ruben Figuera's deposition after Plaintiff also proposes to meet via Zoom to finalize deposition schedule (6/20/2023)			
44	Email Exchange regarding Parties confer over Zoom and Plaintiff prepares proposed list of deponents and dates of availability for counsel (6/30/2023)			
45	Email Exchange regarding Fuentes Defendants and Erwin make clear they do not agree to the deposition order proposed (6/30/2023)			
46	Email Exchange regarding Plaintiff informs Pannel Kerr Forster it will seek court intervention to obtain records (7/10/2023)			
47	Email Exchange regarding Plaintiff submits updated proposed deposition schedule based on disclosed unavailability of parties and/or counsel; Plaintiff requests dates for Erwin but he stated he will check and get back with Plaintiff (7/10/2023)			

<b>48</b>	Email Exchange regarding Plaintiff requested Chet Erwin's availability on July 19 <sup>th</sup> and requested the Wendler tax preparer on July 21 <sup>st</sup> per its counsel (7/11/2023)			
<b>49</b>	Email Exchange regarding Plaintiff requested David Gutierrez or Erwin's deposition for August 15 <sup>th</sup> and August 17 <sup>th</sup> (7/12/2023)			
<b>50</b>	Email Exchange regarding Plaintiff requesting confirmation that David Gutierrez or Erwin's deposition can occur on August 15, 2023 (7/19/2023)			
<b>51</b>	Email Exchange regarding Plaintiff requests David Gutierrez or Erwin's availability (7/24/2023)			
<b>52</b>	Email Exchange regarding Plaintiff emailed updated list of requested depositions and counsel availability Plaintiff provided availability for experts as requested (7/27/2023)			
<b>53</b>	Fuentes Defendants proposing dates for their depositions on September 13, 2023 (5 days before the end of the discovery period) and during the availability of Plaintiff's experts for depositions depriving Plaintiff's experts the opportunity to review Fuentes Defendants deposition testimony (8/1/2023)			
<b>54</b>	Email Exchange regarding Erwin's counsel informing of his unavailability on August 16 <sup>th</sup> or 17 <sup>th</sup> (8/11/2023)			
<b>55</b>	Email Exchange regarding Plaintiff issues proposed schedule (8/16/2023)			
<b>56</b>	Email Exchange regarding Erwin's counsel informing of his unavailability on August 30 <sup>th</sup> or 31 <sup>st</sup> and his inability to have enough time to prepare Chet Erwin for deposition on August 31 <sup>st</sup> (8/16/2023)			
<b>57</b>	Email Exchange regarding Steve Gill and SRG Group's counsel informing of unavailability on August 30 <sup>th</sup> (8/16/2023)			

58	Email Exchange regarding Fuentes Defendants demand to take Luis De Leon's deposition August 23 <sup>rd</sup> Fuentes Defendants inform Plaintiff that they represent non-party Ruben Figuera and his unavailability August 29 <sup>th</sup> and week of September 5-8 (8/16/2023)			
59	Email Exchange regarding Plaintiff requests additional proposed dates (8/17/2023)			
60	Email Exchange regarding Steve Gill and SRG Group inform of Gill availability for a half day on September 14 <sup>th</sup> the same day as Defendant Nelson Drake's deposition (8/17/2023)			
61	Email Exchange regarding Fuentes Defendants inform of Figuera's possible availability on September 13 <sup>th</sup> and 14 <sup>th</sup> (8/17/2023)			
62	Email Exchange regarding Plaintiff requested a separate day for Gill's deposition with no alternative dates provided (8/18/2023)			
63	Declaration of Lauren N. Herrera			
64	Affidavit in Support of Plaintiffs' Response to Defendants' Motion to Amendment of Nonsuits, dated September 22, 2023			

Plaintiff reserves the right to supplement, amend or delete any witness and exhibits prior to the Hearing. Plaintiff also reserves the right to (a) ask the Court to take judicial notice of any document, (b) introduce exhibits previously admitted and (c) introduce any exhibit necessary or appropriate to necessary to rebut the testimony of any witnesses called or designated by any other party or an exhibit introduced or designated by any other party.

Dated: January 22, 2024

Respectfully submitted,

**CHAMBERLAIN, HRDLICKA, WHITE,  
WILLIAMS & AUGHTRY, P.C.**

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